

Licensing Sub-Committee

13 April 2023

New premises licence application for Higher Farmhouse & Grounds, Langton Herring

For Decision

Portfolio Holder: Cllr L Beddow, Culture, Communities and Customer Services

Local Councillor(s): Cllr Roberts

Executive Director: J Sellgren, Executive Director of Place

Report Author: Kathryn Miller
Title: Senior Licensing Officer
Tel: 01305 252214
Email: Kathryn.miller@dorsecouncil.gov.uk

Report Status: Public

Brief Summary: An application has been made for a new premises licence for Higher Farmhouse & Grounds, Shop Lane, Langton Herring. The application has been out to public consultation and has attracted relevant representations. A Licensing Sub-Committee must consider the application and representations at a public hearing.

Recommendation: The Sub-Committee determines the application in the light of written and oral evidence and resolves to take such steps as it considers appropriate and proportionate for the promotion of the licensing objectives:

- a) The prevention of crime and disorder
- b) The prevention of public nuisance
- c) Public safety
- d) The protection of children from harm

The steps that the Sub-Committee may take are:

- a) to grant the licence subject to such conditions as the authority considers appropriate for the promotion of the licensing objectives, and the mandatory conditions;
- b) to exclude from the scope of the licence any of the licensable activities to which the application relates;
- c) to refuse to specify a person in the licence as the designated premises supervisor;
- d) to reject the application.

Reason for Recommendation: The Sub-Committee must consider the oral representations and information given at the hearing before reaching a decision.

1. **Details of the application**

1.1 An application has been made by Timothy John Warren for Higher Farmhouse & Grounds, Shop Lane, Langton Herring. The application, including the conditions offered by the applicant, plans and event safety management plan can be found at Appendix 1.

1.2 The description of the premises within the application form is:

“Higher Farmhouse is a Victorian farmhouse with outbuildings and gardens of around two acres, and in a secluded setting on the southern extremity of Langton Herring. It is largely surrounded on all four sides by hedging and or trees. Since 2012, the gardens have been used to stage Chesil Rocks, an annual not-for-profit music event that raises funds for the Dorset branch of Samaritans based in Weymouth.

This event will take place over three consecutive days in June of each year, between Thursday and Sunday and feature comedy, art, classical music and contemporary music.

The comedy and classical music/opera performances are amplified and take place in a marquee erected for the event, and the Saturday performances are also amplified and alternate between the marquee and an outside stage erected for the event. Loudspeakers face away from the village and all performances will finish by 2300 hrs.

There is an outside beer tent erected for the event and a cocktail/Prosecco bar, which is a permanent feature. Alcohol sales at the event will be restricted for consumption on the premises and the four licensing objectives of prevention of crime and disorder, public

safety, the prevention of public nuisance and the protection of children from harm will be respected and followed.”

The application is to permit one three day music event in June each year for:

Live music (indoors and outdoors)
Thursday 1200-2300 hours
Friday 1200-2300 hours
Saturday 1200-2300 hours
Sunday 1200-2300 hours

Anything of a similar description to that falling within e, f or g (indoors)
Thursday 1200-2300 hours
Friday 1200-2300 hours
Saturday 1200-2300 hours
Sunday 1200-2300 hours

Supply of alcohol (on the premises)
Thursday 1200-2300 hours
Friday 1200-2300 hours
Saturday 1200-2300 hours
Sunday 1200-2300 hours

- 1.3 The event known as Chesil Rocks has been run, without incident every year since 2012 at the Higher Farmhouse & Grounds site since 2012 on Temporary Event Notices. However, the event has grown in numbers and now needs to be operated under a premises licence.
- 1.4 Section 13 of the Licensing Act 2003 contains the list of Responsible Authorities who must be consulted on each premises application. Dorset Police, Dorset and Wiltshire Fire Service, Public Health Dorset, the Immigration Authority, Dorset Council Trading Standards, Dorset Council Planning Department, Dorset Council Environmental Protection, Dorset Council Children’s Services and Dorset Council Health and Safety Team have all been consulted.

1.5 Dorset Police have requested conditions to be added to the licence if it were to be granted which the applicant has agreed to, these can be found at Appendix 2:

1.5.1 No later than 12 weeks before the start of the event, the licence holder will submit to the Licensing Authority for approval an Event Management Plan for that event. The Event Management Plan will include:

- a) Key contact list
- b) Site plan
- c) Security and crime reduction plan
- d) Major incident plan
- e) Risk assessments
- f) Venue and bar operating times
- g) Security and crowd management
- h) Traffic management plan
- i) Emergency procedures
- j) Medical plan
- k) Child protection policy
- l) Event safety plan
- m) Fire safety management plan
- n) Site and production plan
- o) Alcohol sales & management plan
- p) Drug and alcohol policy to include search policy, amnesty point and drugs awareness & control.

1.5.2 All licensable activities at each event will take place in accordance with the relevant approved Event Management Plan which will act as the opening schedule for the premises.

1.5.3 The final approval Event Management Plan will be given to the Licensing Authority and the responsible authorities at least 5

working days prior to the event and made available upon request to the Safety Advisory Group. Any change, or any deviation from the plan during the event, will only be made in exceptional circumstances and is to be approved in advance by the Licensing Authority and the relevant responsible authorities at an Event Control Meeting.

- 1.6 Environmental Health had also requested conditions to be added to licence but were content that those proposed by the Dorset Police would be appropriate.
- 1.7 There were no other representations from any other Responsible Authorities.
- 1.8 There six representations received from members of the public, and one from Chesil Bank Parish Council expressing their objection to application in relation to noise. These letters can be found at Appendix 3.
- 1.9 Twelve representations from members of the public were received in support of the application and have been included at Appendix 4.
- 1.10 In response to the letters of support and concern about the event, the applicant has written to all the interested parties. The applicant's response is attached at Appendix 5.
- 1.7 The Licensing Act 2003 Section 182 Guidance (the Guidance) sets out at 8.13 the role of "other persons": -

"As well as responsible authorities, any other person can play a role in a number of licensing processes under the 2003 Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates, regardless of their geographic proximity to the premises. In addition, these persons may themselves seek a review of a premises licence. Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. It must also not be considered by the licensing authority to be frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the licensing authority to be repetitive. Chapter 9 of this guidance (paragraphs 9.4 to 9.10) provides more

detail on the definition of relevant, frivolous and vexatious representations.

- 1.8 The Guidance states at paragraph 9.4 what a “relevant” representation is:-

“A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives.”

2 Considerations

- 2.1 Paragraphs 9.42 to 9.44 of the Section 182 Guidance sets how the Licensing Authority should decide what actions are appropriate.

“9.42 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.

9.43 The authority’s determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

9.44 Determination of whether an action or step is appropriate for the promotion of the licensing objectives requires an assessment of what action or step would be suitable to achieve that end. While this does not therefore require a licensing authority to decide that no lesser step will achieve the aim, the authority should aim to consider the potential burden that the condition would impose on the premises licence holder (such as the financial burden due to restrictions on licensable activities) as well as the potential benefit in terms of the promotion of

the licensing objectives. However, it is imperative that the authority ensures that the factors which form the basis of its determination are limited to consideration of the promotion of the objectives and nothing outside those parameters. As with the consideration of licence variations, the licensing authority should consider wider issues such as other conditions already in place to mitigate potential negative impact on the promotion of the licensing objectives and the track record of the business. Further advice on determining what is appropriate when imposing conditions on a licence or certificate is provided in Chapter 10. The licensing authority is expected to come to its determination based on an assessment of the evidence on both the risks and benefits either for or against making the determination.”

3. **Financial Implications**

Any decision of the Sub-Committee could lead to an appeal by any of the parties involved that could incur costs.

4. **Environmental Implications**

None.

5. **Well-being and Health Implications**

None.

6. **Other Implications**

None.

7. **Risk Assessment**

7.1 **HAVING CONSIDERED:** the risks associated with this decision; the level of risk has been identified as:

Current Risk: Medium

Residual Risk: Medium

8. **Equalities Impact Assessment**

Not applicable

9. **Appendices**

Appendix 1 – Licence application, conditions offered by the applicant, plan and Event Management plan.

Appendix 2 - Conditions requested by Dorset Police

Appendix 3 - Representations from interested parties.

Appendix 4 – Representations from interested parties in support

Appendix 5 – Applicants written response to comments in support and concerns about the event to the Licensing Sub Committee.

10. **Background Papers**

[Licensing Act 2003](#)

[Home Office Guidance issued under Section 182 of the Licensing Act 2003](#)

[Dorset Council Statement of Licensing Policy 2021](#)